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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**Case No. 17-cv-00814**

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PARANEE SARIKAPUTAR, and  
PHOUVIENGSONE SYSOUVONG,  
a/k/a Tukta Phouviengsone,  
*on behalf of themselves and others similarly situated*  
Plaintiffs,

v.

VERATIP CORP  
d/b/a ThaiNY,  
d/b/a M-Thai,  
d/b/a Thai Rice and  
d/b/a Tom Yum;  
J AKIRA LLC  
d/b/a ThaiNY,  
d/b/a M-Thai,  
d/b/a Thai Rice and  
d/b/a Tom Yum;  
THAINY RESTAURANT LLC  
d/b/a ThaiNY,  
d/b/a M-Thai,  
d/b/a Thai Rice and  
d/b/a Tom Yum;  
NINETY-NINE PLUS CORP  
d/b/a ThaiNY,  
d/b/a M-Thai,  
d/b/a Thai Rice and  
d/b/a Tom Yum;  
9999 MIDTOWN CORP  
d/b/a ThaiNY,  
d/b/a M-Thai,  
d/b/a Thai Rice and  
d/b/a Tom Yum;  
PERAPONG CHOTIMANENOPHAN  
a/k/a Peter Chotimanenophan;  
MICHAEL P BRONSTEIN and  
CHARDENPONG OONAPANYO,

Defendants.

**AFFIDAVIT OF WIPAPORN  
SITTIDEJ IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
CONDITIONAL  
COLLECTIVE  
CERTIFICATION**

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I, WIPAPORN SITTIDEJ, being duly sworn and under penalty of perjury, deposes and states as follows:

1. I am a resident of Queens, New York, and I am over 18 years of age.
2. I have personal knowledge of the matters stated below.
3. ThaiNY has two locations:
  - a. “ThaiNY Downtown” at: 394 Third Avenue, New York, NY 10016.
  - b. “Thais New York Uptown” at: 1750 2<sup>nd</sup> Avenue, New York, NY 10128 (formerly located at 1718 2<sup>nd</sup> Avenue, New York, NY 10128).
4. M-Thai also has two locations:
  - a. “M-Thai 1” at: 232 Eighth Avenue, New York, NY 10011; and
  - b. “M-Thai 2” at 200 Eighth Avenue, New York, 10011.
5. Thai Rice is located at 165 West 23<sup>rd</sup> Street, New York, NY 10011.
6. From on or about the end of June or beginning of July 2013 to on or about February 01, 2014, I worked as an appetizer and food prep for ThaiNY Uptown, and M-Thai 1.
7. From on or about the summer of 2014 for six (6) months, I worked as an appetizer and food prep for ThaiNY Uptown.
8. During the entirety of my work with these restaurants, I was never paid spread-of-hours for all days in which I worked over ten (10) hours in a workday.
9. During the entirety of my work with these restaurants, I never received a Time of Hire Notice in English and in Thai (my primary language) reflecting true rates of pay and payday.

10. I also never received any paystubs, not to say a comprehensive one that lists employee's name, employer's name, employer's address and telephone number, employee's rate or rates of pay, any deductions made from employee's wages, any allowances claimed as part of the minimum wage, and the employee's gross and net wages for each pay day in English and in Thai (my primary language), as required by NYLL §195(1).

11. I never saw the required minimum wage poster.

12. From the end of June or beginning of July 2013 to on or about February 01, 2014, I worked for ThaiNY Uptown from 10:30 to 24:00 for thirteen and a half (13.5) hours a day, for (2) days or twenty-seven (27) hours a week and for M-Thai 1 from 10:30 to 23:00 for twelve and a half (12.5) hours a day, for between two (2) to three (3) days a week.

13. I would work for ThaiNY Uptown on Thursdays and Fridays.

14. I would work for M-Thai 1 for two or three days on Mondays, Tuesdays and Wednesdays.

15. From the end of June or beginning of July 2013 to on or about February 01, 2014, I would work a total of four (4) days a week sixty percent (60%) of the time and a total of five (5) days the other forty percent (40%) of the time.

16. From the end of June or beginning of July 2013 to on or about February 01, 2014, I would receive one hundred twenty dollars (\$120) for each day worked.

17. From the summer of 2014 for six (6) months, I worked for ThaiNY Uptown for five (5) days around half of the time and six (6) days around half of the time, from 10:30 to 24:00.

18. From the summer of 2014 for six (6) months, I also received one hundred twenty dollars (\$120) for each day worked.

19. I would work for ThaiNY Uptown on Thursdays and Fridays.

20. I would work for M-Thai 1 for two or three days on Mondays, Tuesdays and Wednesdays.

21. From the end of June or beginning of July 2013 to on or about February 01, 2014, I would work a total of four (4) days a week sixty percent (60%) of the time and a total of five (5) days the other forty percent (40%) of the time.

22. From the end of June or beginning of July 2013 to on or about February 01, 2014, I would receive one hundred twenty dollars (\$120) for each day worked.

23. I know that everyone at the kitchen was paid at a daily rate.

24. I know SOMBUT who is a Thai kitchen worker, who worked for five (5) days and who is paid between one hundred fifty dollars (\$150) and one hundred sixty dollars (\$160) a day while working around the same hours as me.

25. I also know MANY, a Spanish speaking kitchen worker who worked with my coworker SUPUNNEE, who I know receive around one hundred twenty dollars (\$120) per day.

26. I know MANY usually worked six (6) days a week from 10:30 to 22:30, and even until 23:00 if there are customers who order.

27. I know FRANCISCO who worked between six (6) and seven (7) days a week from 10:30 to 23:00.

28. He worked as a food prep during the day time and a deliveryman during the night time.

29. I know the waitresses NING (who worked for ThaiNY Uptown only) and KOON (who worked for ThaiNY Uptown and M-Thai) and HABEEF (who worked for ThaiNY

Uptown and M-Thai) who also worked from 10:30 to 23:00, because they need to stay after to count the money for half an hour.

30. I know their schedule because we would like to show who work how many day and the schedule is posted on the bulletin board.

31. Sometimes, we would take a picture of the schedule to show our friend.

32. I sincerely hope that this Court allows me to represent the interest of my co-workers in this action. These Defendants exploited me and my co-workers, and it is my hope that we will be permitted to recover wages that we are owed.

33. This document has been translated to me in my native language of Thai, and I fully comprehend the contents.

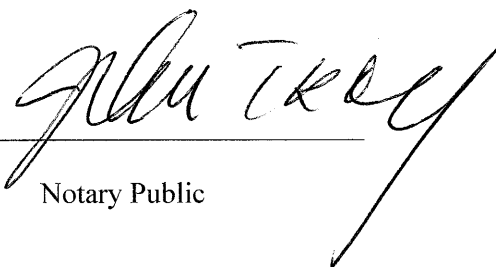
June 26, 2018

Flushing, NY



WIPAPORN SITTIDEJ

Sworn to me this 26<sup>th</sup> day of June, 20 18

  
Notary Public

JOHN TROY  
Notary Public, State of New York  
No. 02TR6121824  
Qualified in Queens County  
Commission Expires 04/12, 2021